

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America,	:	
Plaintiff,	:	Case No. 2:08-cv-475
-vs-	:	Judge Algenon L. Marbley
The State of Ohio, <i>et al.</i> ,	:	
<u>Defendants.</u>	:	
S.H., and all others	:	
similarly situated, <i>et al.</i> ,	:	
Plaintiffs,	:	Case No. 2:04-cv-01206
-vs-	:	Judge Algenon L. Marbley
Tom Stickrath,	:	Chief Magistrate Judge Kemp
<u>Defendant.</u>	:	

**Defendants' Notice of Complying with Court Order Requiring Production
of Specified Documents (Doc. 180)**

On June 14, 2010, the Court ordered Defendants to produce specific documents. (Doc. 180, Order of Production.) On June 24, 2010, the Court convened a status conference at which Defendants requested to narrow the scope of that document production. Defendants also requested a protective order be issued to cover such production.

On June 24, 2010, Defendants filed a motion for protective order. (*SH v. Stickrath*, Doc. 182; *USA v. Ohio*, Doc. 45.) It has not been signed as of the filing of this Notice. Nonetheless, Defendants have obtained and are ready to produce documents responsive to the Order of Production for *in camera* review by the Court and production to all other Parties.

At this time, Defendants are ready to submit documents to the Court for *in camera* review as well as serve them upon counsel for the Parties. However, the following matters still need to be processed:

- (1) a copy of Grievance records for October 2009 still needs to be obtained;
- (2) any grievance documents for October 2009 still need to be scanned and Bates stamp;
- (3) the results of a search of the C:/ drives of the persons identified in the status conference on June 22, 2010, still must be completed; and,
- (4) a privilege log must be generated as to documents that were quickly deduced to be subject to an applicable protection.

As to the foregoing items, it is understood that the indicated grievance records should be obtained from ODYS by end of business Friday, June 25, 2010. They should be ready for production no later than end of business Monday, June 28, 2010. As to the search results of the C:/ drives of the persons identified in the status conference on June 22, 2010, it is understood that the search of such drives by persons not on vacation or on other leave this week should be done by end of business on Friday, June 25, 2010. They should be prepared for production by end of business on Monday, June 28, 2010, except as to Deputy Superintendent Barbara Moore due to her planned leave of absence for at least four (4) weeks. The privilege log will be completed by end of business on Monday, June 28, 2010, as well.¹

¹ At ODYS, the computer system is set up to save documents by default to what is understood to be called the H:/ drive. It is also understood that most documents responsive to the Court's Order of June 14, 2010 (Doc. 180) will be part of the H:/ drive search. Results from that search on the H:/ drive are ready for production.

Defendants will complete the delivery of such documents upon the receipt of the journalized entry granting the Defendants' written motion for a protective order. Without that signed, journalized Order, any protections to be afforded by that Protective Order could be deemed waived, which Defendants want to avoid.

Respectfully submitted,

RICHARD CORDRAY
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/s/ J. Eric Holloway
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Certificate of Service

I certify that, on June 24, 2010, a copy of the foregoing ***Defendants' Notice of Compliance with Court Order*** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/J. Eric Holloway
J. Eric Holloway